

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACESAR RODRIGUEZ,
Plaintiff,

No. C 09-1769 MHP (pr)

ORDER

v.

MR. CATE, etc.; et al.,
Defendants.

In this prisoner's pro se civil rights complaint under 42 U.S.C. § 1983, plaintiff alleges that defendants were deliberately indifferent to his serious medical needs. Defendants moved for summary judgment several months ago. Thereafter, plaintiff filed a motion to compel discovery and to stay the summary judgment proceedings pending a ruling on his motion to compel.

Plaintiff's motion to compel discovery responses is DENIED. (Docket # 19.) Plaintiff did not make the necessary good faith effort to meet and confer to attempt to resolve the discovery dispute before filing the motion. See Fed. R. Civ. P. 37(a)(1); N. D. Cal. Local Rule 37. To promote the goal of addressing only very specific discovery disagreements (rather than becoming an overseer of all discovery), the court requires that the parties meet and confer to try to resolve their disagreements before seeking court intervention. In the case of an incarcerated litigant, the meet-and-confer process may be accomplished by telephone conference or by the exchange of correspondence. Plaintiff took no steps to meet and confer to try to resolve the dispute before filing his motion to compel.

1 Plaintiff's motion for a stay pending a resolution of his motion to compel is
2 GRANTED. (Docket # 18.) Now that the court has denied his motion to compel, the court
3 will set a briefing schedule for the opposition and reply on defendants' pending motion for
4 summary judgment: No later than **December 31, 2010**, plaintiff must file and serve on
5 defense counsel his opposition to the motion for summary judgment. No later than **January**
6 **18, 2011**, defendants must file and serve their reply (if any) in support of the motion for
7 summary judgment.

8 Plaintiff should not expect any further extensions of the deadline to file his opposition.
9 By the time the deadline arrives, plaintiff will have had more than eight months to prepare
10 his opposition. He should be preparing his opposition regardless of whether he is able to
11 obtain further discovery responses. Indeed, because defendants' motion for summary
12 judgment raises a qualified immunity defense, it is quite possible that defendants will request
13 a stay of discovery. Typically defendants are entitled to a stay of discovery upon request
14 when they have raised a qualified immunity defense. See Crawford-El v. Britton, 523 U.S.
15 574, 598 (1998)

16 IT IS SO ORDERED.

17 Dated: November 22, 2010


Marilyn Hall Patel
United States District Judge